



AN ACT CLARIFYING DISCIPLINARY PROCEDURES FOR HIGHWAY PATROL OFFICERS, INCLUDING THOSE COVERED BY A COLLECTIVE BARGAINING AGREEMENT; CLARIFYING THAT DISCIPLINARY PROCEDURES FALL WITHIN THE EXEMPTION PROVISIONS OF THE WRONGFUL DISCHARGE FROM EMPLOYMENT ACT; AMENDING SECTIONS 44-1-806 AND 44-1-902, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Exemption. A member of the highway patrol covered by a collective bargaining agreement is subject to the disciplinary procedures contained in the collective bargaining agreement and is not subject to Title 44, chapter 1, parts 7 and 8.

Section 2. Section 44-1-806, MCA, is amended to read:

"44-1-806. Disciplinary action. (1) If after a hearing, the department of justice finds that any charge or charges made against the patrol officer are true, it may punish the ~~offending party~~ patrol officer by suspension without pay, demotion, or discharge.

(2) A discharge after a hearing is exempt from the Wrongful Discharge From Employment Act as provided in 39-2-912."

Section 3. Section 44-1-902, MCA, is amended to read:

"44-1-902. Action by court. The district court shall review a decision or determination appealed pursuant to 44-1-901(1)(a) ~~in a summary manner~~ under the standard of review provided in 2-4-704 and render its decision within 90 days from the filing of the appeal."

Section 4. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 44, chapter 1, part 9, and the provisions of Title 44, chapter 1, part 9, apply to [section 1].

Section 5. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
SB 0160, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2009.

Speaker of the House

Signed this _____ day
of _____, 2009.

SENATE BILL NO. 160
INTRODUCED BY L. JENT
BY REQUEST OF THE ATTORNEY GENERAL

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